

Order

Michigan Supreme Court
Lansing, Michigan

July 21, 2009

Marilyn Kelly,
Chief Justice

ADM File No. 2009-14

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

Proposed Amendment of
Rules 7.101 and 7.105 of the
Michigan Court Rules

On order of the Court, this is to advise that the Court is considering amendments of Rules 7.101 and 7.105 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 7.101 Procedure Generally

(A)-(H)[Unchanged.]

(I) Filing and Service of Briefs.

- (1) Within 21 days after the trial court clerk notifies the parties that the record on appeal has been sent to the circuit court, the appellant must file a brief in the circuit court and serve it on the appellee. The appellee may file and serve a reply brief within 21 days after the appellant's brief is served on the appellee. The appellant's brief must comply with MCR 7.212(B) and (C), and the appellee's brief must comply with MCR 7.212(B) and (D).

- (2) [Unchanged.]

(J)-(P)[Unchanged.]

Rule 7.105 Appeals from Administrative Agencies in Contested Cases

(A)-(J)[Unchanged.]

(K) Briefs and Arguments.

- (1) Within 28 days after the record is filed with the court (see MCL 24.304[2]), the petitioner shall file with the court its brief, in the form provided in MCR 7.212(B) and (C), serve a copy on all respondents, and promptly file proof of that service with the court. Within 28 days after petitioner's brief is served, each respondent shall file with the court its brief, in the form provided in MCR 7.212(B) and (D), serve a copy on all other parties, and promptly file proof of that service with the court. The petitioner may file and serve a reply brief within 14 days after service of the respondent's brief. A 28-day extension of the time for filing a brief may be obtained on written stipulation of the parties or by order of the court. Further extension of time for filing of a brief can be obtained only on order of the court on motion for cause shown.

(2)-(4)[Unchanged.]

(L)-(O)[Unchanged.]

Staff Comment: This proposal would clarify that briefs filed in cases that involve an appeal to a circuit court from a district court or an appeal of a decision by a state administrative agency, board, or commission may not exceed 50 pages in length, similar to the length restriction for briefs filed in the Court of Appeals.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by November 1, 2009, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2009-14. Your comments and the comments of others will be posted at www.courts.mi.gov/supremecourt/resources/administrative/index.htm.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 21, 2009

Corbin R. Davis
Clerk